

07/30/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : **10/007,448** Confirmation No. **3784**
Applicants : **David Lewis, Hans Herweijer, James E. Hagstrom,
Aaron Loomis, Jon A. Wolff,**
Filed : **11/07/2001**
Art Unit : **1635**
Examiner : **Gibbs, Terra C.**
Docket No. : **Mirus.030.03**

For: **Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-
Embryonic Animal Cells *In vivo***

Commissioner of Patents
P.O. Box 1450
Alexandria VA, 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT A DELAYED CLAIM
BENEFIT UNDER 35 U.S.C. 120 OF FILED COPENDING
NONPROVISIONAL APPLICATION**

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit for this application under 35 U.S.C. 120 as a continuation-in-part of application No. 09/877,436 filed on June 7, 2001, which is a divisional of 09/450,315 filed Nov. 29, 1999, now Pat. No. 6,379,966, which claims priority of provisional applications 60/121,730 filed on Feb. 26, 1999 and 60/146,564 filed on Jul. 30, 1999.

A replacement specification indicating the priority claim is included with the attached amendment.

08/04/2004 WABDELR1 00000051 10007448
01 FC:1460
130.00 UP

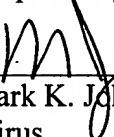
Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Enclosed is a credit card pay form, please charge the amount of \$130.00 to cover the petition fee as set forth in § 1.17(m).

Please forward the attached amendment and response to the Examiner.

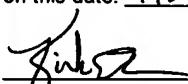
If there are any questions, please contact the undersigned.

Respectfully submitted,



Mark K. Johnson Reg. No. 35,909
Mirus
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being sent
by facsimile transmission to: Commissioner for
Patents, PO Box 1450, Alexandria, VA 22313-1450
on this date: 7/13/04



Kirk Ekena